

OCT. 31. 2001 8:34AM. BSKB COM

NO. 8726 P. 8

PATENT  
0147-0215P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHAUS, Ekkehard et al. Conf.: unassigned  
Appl. No.: 09/674,768 Group: unassigned  
Filed: November 6, 2000 Examiner: unassigned  
For: TRANSGENIC PLANTS WITH A MODIFIED  
ACTIVITY OF A PLASTIDIAL ADP/ATP  
TRANSLOCATOR

STATEMENT BY INVENTOR

October 22, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This communication is an attachment to a Petition to  
Correct Inventorship under 37 C.F.R. § 1.48(a), filed in  
connection with the above-identified application and previous  
PCT/EP99/03292.

I, Norbert Martini of Herbigstrasse 3g, D-50825 Köln,  
GERMANY, was incorrectly named as a coinventor of the above-  
identified application.

The inventorship error occurred without deceptive intention  
on my part.

I hereby declare that all statements made herein of my own  
knowledge are true and that all statements made on information

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NO. 8726 P. 9

Appl. No. 09/674,768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

05.11.2001  
Date

Norbert Martini  
Signature

Norbert Martini  
Type name of person signing

(Rev. 09/27/01)

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VOSSIUS & PARTNER

NO. 8726 P. 6

PATENT  
0147-0215P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHANS, Edoehard et al. Conf.: unassigned  
Appl. No.: 09/674,768 Group: unassigned  
Filed: November 6, 2000 Examiner: unassigned  
For: TRANSGENIC PLANTS WITH A MODIFIED  
ACTIVITY OF A PLASTIDIAL ADP/ATP  
TRANSLOCATOR

STATEMENT BY INVENTOR

October 31, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This communication is an attachment to a Petition to  
Correct Inventorship under 37 C.F.R. § 1.48(a), filed in  
connection with the above-identified application and previous  
PCT/EP99/03292.

I, Jozef Schell of Carl-von-Weg 12, D-50829 Köln, GERMANY,  
was incorrectly named as a coinventor of the above-identified  
application.

The inventorship error occurred without deceptive intention  
on my part.

I hereby declare that all statements made herein of my own  
knowledge are true and that all statements made on information

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PLANTTEC BIOTECHNOLOGIE  
+49 89 4136 4400

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-2001 S.05

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VUSSIOS & FARINER

NO. 8726 P. 7

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Appl. No. 09/674.768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nov 8 2001  
Date

W. H. H.  
Signature

Jozef Schyall  
Type name of person signing

Nov. 09/27/01

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATORFill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on November 6, 2000 asUnited States Application Number 09/674,768and amended on November 6, 2000 (if applicable) and/orthe specification was filed on May 12, 1999 as PCTInternational Application Number PCT/EP99/03292

amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)****Priority Claimed**Insert Priority  
Information:  
(if appropriate)198 21 442.1

(Number)

Germany

(Country)

May 13, 1998

(Month/Day/Year Filed)

☒

Yes

☐

No

(Number)

(Country)

(Month/Day/Year Filed)

☐

Yes

☐

No

(Number)

(Country)

(Month/Day/Year Filed)

☐

Yes

☐

No

(Number)

(Country)

(Month/Day/Year Filed)

☐

Yes

☐

No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country

Application Number

Date of Filing (Month/Day/Year)

Insert Requested  
Information:  
(if appropriate)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
John W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35,416)		

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

or Customer No. 2292

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Ekkehard, NEUHAUS	<i>E. Neuhaus</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Osnabruck, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Sachsenweg 29 49086 Osnabruck, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Torsten, MOEHLMANN	<i>T. Moehlmann</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Bunde, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Gellertstr. 17 32257 Bunde, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Karl-Heinz, GRAEVE-KAMPFENKEL	<i>K. Graeve-Kampfenkel</i>	31.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Mainz-Kostheim, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Im Sampel 10A 55246 Mainz-Kostheim, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Joachim, TJADEN	<i>J. Tjaden</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Osnabruck, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Johannisstr. 97 49074 Osnabruck, Germany		

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NO. 8726 P. 10

PATENT  
0147-0215F

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHAUS, Ekkehard et al. Conf.: unassigned  
Appl. No.: 09/674,768 Group: unassigned  
Filed: November 6, 2000 Examiner: unassigned  
For: TRANSGENIC PLANTS WITH A MODIFIED  
ACTIVITY OF A PLASTIDIAL ADP/ATP  
TRANSLOCATOR

ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)

Assistant Commissioner for Patents  
Washington, DC 20231

October 22, 2001

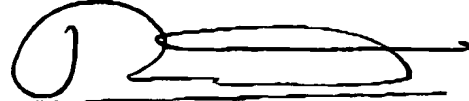
Sir:

Your petitioner, PlantTec Biotechnologie GmbH Forschung & Entwicklung, residing at Hermannswerder 14, D-14473 Potsdam, Germany, represent that they are the present Assignee of the entire interest in U.S. Patent application Serial No. 09/674,768 (Transgenic Plants with a modified activity of a Plastidial ADP/ATP Translocator), which entered the U.S. National Stage on November 6, 2000.

Your petitioner, PlantTec Biotechnologie GmbH Forschung & Entwicklung, hereby consents to a change of inventorship of application serial no. 09/674,768 from the joint invention of NEUHAUS, Ekkehard; MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim, to the joint invention of NEUHAUS, Ekkehard; MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim. Respectfully submitted, PlantTec Biotechnologie GmbH Forschung & Entwicklung Hermannswerder 14, D-14473 Potsdam, Germany.

Appl. No. 09/674,768

02. 11. 2001  
Date



Signature

Dr. Jörg Riesmeier Managing Director  
Type name and title of person  
authorized to sign on behalf  
of Assignee.

(Rev. 09/27/01)

**PlantTec Biotechnologie GmbH**  
Forschung & Entwicklung  
Hermannswerder 14  
14473 Potsdam



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Plantzenphysiologie

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VOSSIUS & PARTNER

NO. 8726 P. 4

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ATTORNEY DOCKET NO. 0147-0215P

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

UNITED STATES PATENT RIGHTS, OR  
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS

## ASSIGNMENT

Application No. 09/574,768

Filed November 6, 2000

Insert Name(s)  
of Inventor(s)

WHEREAS, NEUBAUS, Eikehard MOEHLMANN, Tizien  
GRAEVE-KAMPFENKE, Kai-Eike TIADEN, Joachim

Insert Title  
of Invention

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR

for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

Insert Date  
of Signing of  
Application

on \_\_\_\_\_; and

Insert Name  
of Assignee

WHEREAS, PlantTec Biotechnologies GmbH Forschung & Entwicklung

Insert Address  
of Assignee

of Hermannswerder 14, D-14471 Potsdam, Germany

CHECK BOX  
IF APPROPRIATE

is heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and ☐ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, renewals, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

Page 1 of 2

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Biotechnologie GmbH  
Forschung & Entwicklung

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Plantzenphysiolog

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VOSSIUS & PARTNER

NO. 8726 P. 5

OCT. 31. 2001 8:33AM BSKB COM

Attorney Docket No. 0147-0215P

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenants(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date <u>8.11.01</u>	Name of Inventor <u>M. E. Neuhaus</u> (signature) NEUHAUS, Eberhard
Date <u>8.11.01</u>	Name of Inventor <u>T. Moehlmann</u> (signature) MOEHLMANN, Torsten
Date <u>8.11.01</u>	Name of Inventor <u>A. Kraeve-Kampfenkel</u> (signature) KRAEVE-KAMPFENKEL, Karl-Heinz
Date _____	Name of Inventor _____ (signature) LIADEN, Joachim
Date _____	Name of Inventor _____ (signature)
Date _____	Name of Inventor _____ (signature)

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**  
UNITED STATES PATENT RIGHTS, OR  
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS  
**ASSIGNMENT**

Application No. 09/674,768

Filed November 6, 2000

Insert Name(s)  
of Inventor(s)

WHEREAS, NEUBAUS, Eberhard MOERLMANN, Tuxten  
GRAEVE-KAMPFENKEL, Karl-Eduard TRAEDEN, Joachim

Insert Title  
of Invention

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR  
for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

Insert Date  
of Signing of  
Application

on \_\_\_\_\_; and

Insert Name  
of Assignee

WHEREAS, PlantTec Biotechnologies GmbH Forschung & Entwicklung

Insert Address  
of Assignee

of Hermannswender 14, D-14473 Potsdam, Germany

CHECK BOX  
IF APPROPRIATE

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and ☐ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, reissues, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

OCT. 31. 2001 8:33AM

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NO. 8726 P. 5

Attorney Docket No. 0147-0215P

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The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

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The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recording of this document.

The undersigned hereby covenants(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature) NEUHAUS, Eckhard

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature) MOEHLMANN, Torsten

Date November 5, 2001

Name of Inventor Karlheinz Graeve-Kampff  
(signature) GRAEVE-KAMPPENKEL, Karl-Heinz

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature) LIADEN, Joachim

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature)

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature)

April 2000